

**REMARKS**

Claims 1, 4-7, 9-14, 16-18, 23-24, 26-32, 37-38, 49-51 are all the claims pending in the application. Applicant amends claims 1, 7, 9, 10, 18, 24, 26, 27, 32 and 38.

***Claim rejections under 35 U.S.C. § 102(b)***

Claim 51 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kim et al. EP (0763936; hereinafter “Kim”). Applicant traverses the rejection at least for the following reasons.

Claim 51 recites, *inter alia*, “a determining device for determining whether an outputting speed is higher than a reproducing speed of the recording information from the recording medium and a generating device for generating first copy control information indicating a number of times which the recording information can be recorded after being recorded into the recording medium if it is determined that the outputting speed is higher than the reproducing speed, and for generating second copy control information indicating a number of times which the recording information can be recorded before being recorded into the recording medium if it is determined that the outputting speed is not higher than the reproducing speed.” The Examiner asserts that column 8, lines 39-49 and column 10, lines 5-50 of Kim disclose the unique features of claim 51 recited above. Applicant respectfully disagrees.

Kim is directed to an illegal view/copy protection method for a digital broadcasting system in which intellectual properties supplied via digital media and protected by copyright are prohibited from being illegally recorded or copied using a digital recording medium (column 4, lines 34-40). Kim discloses a method of limiting the available number of copy of a program of

the Copy Protection Transmission Code information (CPTC) information that can be recorded. The copying number limiting step comprises comparing the permissible generation number and the present generation number and deciding whether the permissible generation number is below the present generation number (column 9, lines 48-55). However, Kim does not disclose determining whether an **outputting speed is higher than a reproducing speed** of the recording information from the recording medium.

In particular, Kim is directed towards comparing the present copy generation number with the permissible copy generation number. In the portion cited by the Examiner (column 10, lines 5-50), Kim discloses that if the permissible copy generation number is below the present generation number, the output disable signal is generated to make copying impossible in step 131 and if the permissible generation is not below the present generation, the present generation is increased by '1' in step 132. Moreover, Kim also discloses comparing the reproducible number and the reproduction number of the tape to decide whether the reproducible number is below the reproduction number of the tape. That is, if the reproducible number (the number of times a tape can be reproduced) is below the reproduction number (the number of times a tape has been reproduced) the enable erase signal is turned on to prohibit the reproduction of the copied program.

However, in either instance, there is no disclosure of determining whether an **outputting speed is higher than a reproducing speed of the recording information** from the recording medium. In addition, Kim does not disclose a generating device for **generating first copy control information** indicating a number of times which the recording information can be

recorded after being recorded into the recording medium **if it is determined that the outputting speed is higher than the reproducing speed**, and for **generating second copy control information** indicating a number of times which the recording information can be recorded before being recorded into the recording medium **if it is determined that the outputting speed is not higher than the reproducing speed**.

In view of the above, Applicant submits that Kim does not disclose all the feature of the claim 51, and therefore claim 51 is patentable over the cited reference.

***Claims rejections under 35 U.S.C. § 103(a)***

Claims 1, 4, 6-7, 9-10, 16, 18, 23,-24, 26-27, 32, and 37-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue et al., (US Patent No. 6,539,468; hereinafter “Inoue”), and further in view of Morito et al., (US Patent No. 6,310,956; hereinafter “Morito”). Applicant traverses the rejections for at least the following reasons.

**Independent claim 1**

In the rejection of claim 1, the Examiner asserts that Inoue allegedly discloses all the limitations of claim 1 except the feature, “wherein the generating device generates ‘No More Copy’ information as the copy control information.” However, the Examiner contends that Morito discloses a scenario where once a copy has been made, no more copies are allowed and thus a “No More Copy” signal is used. Applicant respectfully disagrees.

Claim 1 recites, *inter alia*, “wherein, if the recording information is to be prohibited from being copied after being recorded into the recording medium, the generating device generates No More Copy information as the copy control information and the information recording apparatus

records the recording information and the copy control information which are multiplexed by the multiplexing device included in the information output device, into the recording medium without modifying the copy control information.” Applicant submits that Inoue does not disclose the unique features of claim 1 recited above.

Inoue is directed to a data copying system and method for providing a copyright protection function. Inoue discloses a copying system for copying information recorded on a first recording medium (ROM) on to a second recording medium (RAM) wherein the first recording medium (ROM) is recorded with copying control information for representing conditions for permitting copying of the information recorded on the first recording medium (column 1, lines 39-45).

Inoue discloses that a copying control information detection section of a RAM writing apparatus detects the copying control information from within the information which has been received from the ROM reading apparatus (column 7, lines 55-59). The copying control information detection section outputs a signal indicating the present/absence of a first and second watermark (WM). If at least one of the first and second watermarks (WM) is present, the control section 204 determines the corresponding condition that is being represented and the copying control information modification section 208 modifies the copying control information so as to prohibit further copying and this modified copying control information is supplied to the writing section (column 8, lines 10-23). However, Inoue does not teach that “if the recording information is to be prohibited from being copied after being recorded into the recording medium, the generating device generates No More Copy information as the copy control

information and the information recording apparatus records the recording information and the copy control information which are multiplexed by the multiplexing device included in the information output device, into the recording medium without modifying the copy control information.”

Specifically, Inoue discloses that when a recording apparatus detects copy control information (206 in FIG. 4) the recording apparatus modifies the copy control information and records the modified copy control information. On the contrary, claim 1 recites that the information recording apparatus records the recording information and the copy control information which are multiplexed by the multiplexing device, in the recording medium without modifying the copy control information.

Furthermore, Applicant submits that claim 1 recites, *inter alia*, that an information output apparatus<sup>1</sup> multiplexes the recording information and the copy control information and the information recording apparatus records the multiplexed information by the information output apparatus. Inoue also does not disclose this unique feature recited in claim 1.

Turning to Morito, Applicant submits that it is directed to an apparatus for embedding transmission time information into digital data stream by digital watermarking and authorizing recoding based on the difference between the transmission time and the current at the data recorder. However, Morito does not disclose that “if the recording information is to be prohibited from being copied after being recorded into the recording medium, the generating device generates No More Copy information as the copy control information and the information

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<sup>1</sup> For example, a server apparatus according to an exemplary embodiment of the present invention.

recording apparatus records the recording information and the copy control information which are multiplexed by the multiplexing device included in the information output device, into the recording medium without modifying the copy control information.”

In view of the above, Applicant submits that Inoue and Morito, alone or in combination, do not disclose all the features of claims 1. Therefore, claim 1 is patentable over the cited references.

Independent claims 7, 9, 10, 18, 24, 26, 27, 32 and 38

Applicant submits that claims 7, 9, 10, 18, 24, 26, 27, 32 and 38 recite subject matter analogous to claim 1, and therefore are allowable for at least the similar reasons claim 1 is shown to be allowable.

***Dependent claims 4, 6, 23 and 37***

Applicant submits that claims 4, 6, 23 and 37 depend from one of the independent claims that have been shown to be allowable, and therefore are also allowable at least by virtue of their dependency and additional limitations thereof.

***Dependent claims 5 and 17***

Claims 5 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue and Morito as applied to claims 4 and 16, and further in view of Manabu et al. (US Patent 6,453,304; hereinafter “Manabu”). Applicant traverses the rejections for at least the following reasons.

Applicant submits that since Manabu does not cure the deficiency of Inoue noted above with respect to claim 1 and since claims 5 and 17 depend from one of the independent claims that

have been shown to be allowable, claims 5 and 17 are allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

Dependent claims 11 and 28

Claims 11 and 28 are rejections under 35 U.S.C. § 103(a) as being unpatentable over Inoue and Morito as applied to claims 10 and 27, and further in view of Kim et al. (EP Application No. 96306507.3; hereinafter “Kim”). Applicant traverses the rejections for at least the following reasons.

Applicant submits that since Kim does not cure the deficiency of Inoue noted above with respect to claim 1 and since claims 11 and 28 depend from one of the independent claims that have been shown to be allowable, claims 11 and 28 are allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

Dependent claims 12, 14, 29 and 31

Claims 12, 14, 29 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue and Morito as applied to claims 10 and 27, and further in view of Nissl et al., (US Patent No. 6,530,023; hereinafter “Nissl”). Applicant traverses the rejections for at least the following reasons.

Applicant submits that since Nissl does not cure the deficiency of Inoue noted above with respect to claim 1 and since claims 12, 14, 29 and 31 depend from one of the independent claims that have been shown to be allowable, claims 12, 14, 29 and 31 are allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

***Dependent claims 13 and 30***

Claims 13 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue, Morito and Nissl as applied to claims 12 and 29, and further in view of Kim. Applicant traverses the rejections for at least the following reasons.

Applicant submits that since Nissl and Kim do not cure the deficiency of Inoue noted above with respect to claim 1 and since claims 13 and 30 depend from one of the independent claims that have been shown to be allowable, claims 13 and 30 are allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

***Dependent claim 49***

Claim 49 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue and Morito as applied to claim 1, and further in view of Videcrantz et al., (US Patent No. 6,275,588; hereinafter “Videcrantz”). Applicant traverses the rejections for at least the following reasons.

Applicant submits that since Videcrantz does not cure the deficiency of Inoue noted above with respect to claim 1 and since claim 49 depends from claim 1 that has been shown to be allowable, claim 49 is allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

***Dependent claim 50***

Claim 50 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue and Morito as applied to claim 7, and further in view of Manabu and Videcrantz. Applicant traverses the rejections for at least the following reasons.



Applicant submits that since Manabu and Videcrantz do not cure the deficiency of Inoue noted above with respect to claim 1 and since claim 50 depends from claim 7 that has been shown to be allowable, claim 50 is allowable over the cited references at least by virtue of their dependency and additional limitations thereof.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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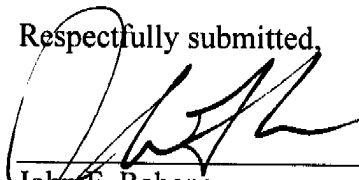
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